

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

ROQUETTE AMERICA, INC.

ADMINISTRATIVE CONSENT ORDER
NO. 2008-AQ-14

TO: Roquette America, Inc.
Dominique Baumann, Senior Director Technology
1417 Exchange Street
Keokuk, Iowa 52632

Robert J. Lambrechts, Esq.
Lathrop & Gage, L.C.
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210-1669

I. SUMMARY

This administrative consent order is entered into between Roquette America, Inc. (Roquette) and the Iowa Department of Natural Resources (DNR) for the sole purpose of creating a compliance schedule for correcting the specific violations alleged herein so that DNR may, according to the provisions of 567 Iowa Administrative Code (IAC) 22.3(1), consider the issuance of construction permits to Roquette for its facility in Keokuk, Iowa. The parties have agreed to the provisions below.

Any questions regarding this administrative consent order should be directed to:

Kelli Book, Esq.
DNR – Legal Services
7900 Hickman Road, Suite 1
Urbandale, Iowa 50322
(515) 281-8563

II. JURISDICTION

The administrative consent order is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1) which authorize the director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part.

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III. STATEMENT OF FACTS

1. Roquette has a facility located in Keokuk, Iowa, which produces corn starches, syrups, polyols, and corn by-products. Roquette has submitted construction permit applications to the DNR for Project No. 06-253. The issuance of the construction permits for Project No. 06-253 would result in enforceable emission limits which would allow an increase in emissions from the facility.

2. Roquette is a major source of air pollutants under the Prevention of Significant Deterioration (PSD) program. Roquette has the potential to emit over 250 tons per year of particulate (PM), fine particulate (PM₁₀), sulfur dioxide (SO₂), nitrous oxides (NO_x), volatile organic compounds (VOC), and carbon monoxide (CO).

EP 59-3 and EP 59-4:

3. In 1998, Roquette removed control equipment and the corresponding emission point (EP 59A-7) and rerouted the exhaust through the processes that vent out EP-59-3 and EP 59-4 without first obtaining construction permit modifications. Roquette asserts that it believed that the process change was covered by an exemption to air quality permitting because of the anticipated resulting decrease in emissions. Roquette asserts that stack tests performed in 1999 after the changes confirmed this position. Following discussion with DNR, the modification requests for the emission points were submitted to the DNR in November 2002.

4. On August 10, 2004, Air Quality Construction Permits #75-A-095-S1 and #75-A-096-S1 were issued to Roquette for EP 59-3 and EP 59-4. The modifications included emission limits Roquette requested to keep the project synthetic minor¹ for PSD. The construction permits contained synthetic minor emission limits and at the time the project was not considered PSD because of the emission limits. Condition 10 of the construction permits included the following emission limits:

Pollutant	EP 59-3	EP 59-4
PM	8.83	8.83
PM ₁₀	6.49	6.49
SO ₂	13.61	17.76
NO _x	3.88	3.97
VOC	10.35	10.35
CO	42.53	42.53

Additionally, Condition 12 of the construction permits required stack testing for Opacity, PM, PM₁₀, SO₂, CO, VOC, and NO_x. The testing was to be done within 60 days after achieving maximum production rate and no later than 180 days after the initial startup date.

¹ Synthetic minor means taking emission limits to stay below the regulatory threshold. In this case, Roquette requested emission limits to stay below the PSD threshold.

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The changes Roquette requested in the modified construction permits had already been completed when the construction permits were issued. Therefore, the stack tests were required to be completed by February 10, 2005. The stack tests did not occur by February 10, 2005.

5. On April 10, 2006, DNR issued a Notice of Violation letter to Roquette for failing to conduct Opacity, PM, PM₁₀, SO₂, CO, VOC, and NO_x stack tests for EP 59-3 and EP 59-4 as required by the construction permits.

6. On May 10, 2006, Thompson Environmental Consulting, Inc., on behalf of Roquette, responded in a letter stating the equipment associated with EP 59-3 and EP 59-4 would be tested during the week of June 12-16, 2006.

7. On June 14-15, 2006, Roquette conducted the stack tests for EP 59-3 and EP 59-4 as required by the construction permits. The stack test results were to be submitted to the DNR by July 31, 2006.

8. On August 7, 2006, DNR issued Roquette a Notice of Violation letter for failing to submit the stack test results for EP 59-3 and EP 59-4 within six weeks of the stack testing. Roquette submitted the stack test results to the DNR on August 16, 2006.

9. The stack test results indicated Roquette failed to demonstrate compliance with the emission limits in 9 of the 14 required tests. The following chart indicates the results of the 9 failed tests along with the pollutant and the permitted emission limit:

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM	18.54	8.83
	PM ₁₀	18.54 ²	6.49
	NO _x	6.87	3.88
	CO	42.67	42.53
	VOC	17.12	10.35
EP 59-4	PM	11.22	8.83
	PM ₁₀	11.22 ³	6.49
	NO _x	4.23	3.97
	VOC	16.27	10.35

10. The DNR asserts that the stack test results for EP 59-3 and EP 59-4 demonstrated an increase in PM, PM₁₀, and VOC emissions greater than the PSD major modification thresholds. The following chart indicates the actual emissions, the permitted limits, and the increases for each pollutant.

² Assumes PM = PM₁₀

³ See id.

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Pollutant	Actual Emissions ⁴	Permitted Limits	Net Increase
PM	130.3 tpy	77.35 tpy	52.95 tpy
PM ₁₀	130.3 tpy	56.86 tpy	73.44 tpy
VOC	146.2 tpy	90.67 tpy	55.53 tpy

11. On August 17, 2006, DNR issued a Notice of Violation letter to Roquette for failing to demonstrate compliance with 9 of 14 required tests.

12. On August 23, 2006, DNR issued a Notice of Violation letter to Roquette for its failure to apply for PSD permits for EP 59-3 and EP 59-4. The letter required Roquette to either submit netting analysis⁵ or PSD applications within 30 days of receipt of the Notice of Violation letter.

13. On September 21, 2006, Roquette performed stack tests on EP 59-3 and EP 59-4. The stack test results were to be submitted to the DNR by November 5, 2006.

14. On November 13, 2006, DNR issued Roquette a Notice of Violation letter for failing to submit the stack test results for EP 59-3 and EP 59-4 within six weeks of the stack testing. Roquette submitted the stack test results to the DNR on November 15, 2006. The stack test results indicated Roquette failed to demonstrate compliance with the emissions limits in 10 of the required tests. The following chart indicates the results of the 10 failed tests along with the pollutant and the permitted emission limit:

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM	18.91	8.83
	PM ₁₀	18.91 ⁶	6.49
	NO _x	6.16	3.88
	SO ₂	18.96	13.61
	VOC	14.71	10.35
EP 59-4	CO	44.62	42.53
	PM	16.34	8.83
	PM ₁₀	16.34 ⁷	6.49
	NO _x	4.07	3.97
	VOC	13.01	10.35

⁴ Assumes operation of 8,760 hours per year

⁵ Summation of emission increases and emission decreases over a five year period called the contemporaneous period.

⁶ Assumes PM=PM₁₀

⁷ See id.

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15. On November 21, 2006, DNR issued a Notice of Violation Letter to Roquette for failing to demonstrate compliance with 10 of its required tests.

16. On January 3-4, 2007, Roquette performed stack tests on EP 59-3 and EP 59-4. The stack test results for EP 59-3 and EP 59-4 were submitted on February 19, 2007. The stack test results indicated Roquette failed to demonstrate compliance with the emissions limits in 8 of the required tests. The following chart indicates the results of the 8 failed tests along with the pollutant and the permitted emission limit:

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM	14.62	8.83
	PM ₁₀	14.62 ⁸	6.49
	NO _x	5.03	3.88
	CO	49.15	42.53
EP 59-4	PM	12.54	8.83
	PM ₁₀	12.54 ⁹	6.49
	NO _x	4.99	3.97
	CO	44.72	42.53

17. On March 6, 2007, DNR issued a Notice of Violation Letter to Roquette for failing to demonstrate compliance with 8 of its required tests.

18. On June 12, 2007, Roquette conducted stack tests on EP 59-3 and EP 59-4. The stack test results for EP 59-3 and 59-4 were submitted on July 20, 2007. The stack test results indicated Roquette failed to demonstrate compliance with the emission limits in 5 of the required tests. The following chart indicates the results of the 5 failed tests along with the pollutant and the permitted emission limit:

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM	14.37	8.83
	PM ₁₀	14.37 ¹⁰	6.49
	NO _x	5.11	3.88
EP 59-4	PM	12.19	8.83
	PM ₁₀	12.19 ¹¹	6.49

⁸ See id.

⁹ See id.

¹⁰ See id.

¹¹ See id.

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19. On August 13, 2007, DNR issued a Notice of Violation Letter to Roquette for failing to demonstrate compliance with 5 of its required tests.

20. On August 7 and August 8, 2007 Roquette conducted stack tests on EP 59-3 and 59-4. The stack test results for EP 59-3 and EP 59-4 were submitted on September 21, 2007. The stack test results indicated Roquette failed to demonstrate compliance with the emission limits in 6 of the required tests. The following chart indicates the results for the 6 failed tests along with the pollutant and permitted emission limit.

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM	19.37	8.83
	PM ₁₀	19.37 ¹²	6.49
	NO _x	8.35	3.88
EP 59-4	PM	15.62	8.83
	PM ₁₀	15.33	6.49
	NO _x	4.78	3.97

21. On October 4, 2007, DNR issued a Notice of Violation Letter to Roquette for failing to demonstrate compliance with 6 of its required tests.

22. On April 3 and 4, 2008, Roquette conducted stack tests on EP 59-3 and EP 59-4. The stack test results for EP 59-3 and 59-4 were submitted on April 28, 2008 and a revised submittal was forwarded to the DNR on May 9, 2008. The stack test results indicated Roquette failed to demonstrate compliance with the emission limits in 8 of the required tests. The following chart indicates the results of the 8 failed tests along with the pollutant and the permitted emission limit.

Emission Point	Pollutant	Stack Test Result (lbs/hr)	Permitted Emission Limit (lbs/hr)
EP 59-3	PM ₁₀	8.79 ¹³	6.49
	SO ₂	14.73	13.61
	NO _x	4.27	3.88
	VOC	10.61	10.35
	CO	49.21	42.53
EP 59-4	PM	13.64	8.83
	PM ₁₀	13.64 ¹⁴	6.49
	NO _x	4.53	3.97

¹² See id.

¹³ See id.

¹⁴ See id.

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23. On May 19, 2008, DNR issued a Notice of Violation Letter to Roquette for failing to demonstrate compliance with 8 of its required tests.

EP 19-1

24. On March 13, 2002, Air Quality Construction Permit #02-A-158 was issued to Roquette for EP 19-1. Condition 10 established the emission limit for PM at 0.34 lbs/hr. Additionally, Condition 12 of the construction permit required stack testing for PM and Opacity. The testing was to be done within 60 days after achieving maximum production rate and no later than 180 days after the initial startup date. The construction permit also required that Roquette submit a startup notification to the DNR. The DNR has no record of the startup notification being submitted. In determining when the stack test should have been completed, Condition 3 of the construction permit requires that the project must be completed within thirty-six (36) months after the date of the issuance of this permit. By adding 36 months to the issuance date of the construction permit, the last possible date the construction could have been completed is March 13, 2005. The stack testing would then be required within 180 days or by September 9, 2005. The stack testing did not occur by September 9, 2005.

25. On April 10, 2006, DNR issued a Notice of Violation letter to Roquette for failing to conduct the PM and Opacity stack tests for EP 19-1 as required by the construction permit. On May 10, 2006, Thompson Environmental Consulting, Inc., on behalf of Roquette, responded in a letter stating the equipment associated with EP 19-1 would be tested during the week of June 3-7, 2006. The stack tests were later rescheduled for August 22, 2006. The stack tests were again rescheduled for September 20, 2006.

26. On September 20, 2006, Roquette conducted the stack tests for EP 19-1 as required by the construction permit. Roquette submitted the stack test results on December 6, 2006. The stack test results indicated Roquette failed to demonstrate compliance with the PM emissions limit in the construction permit. The emission limit for PM was 0.34 lbs/hr. and the stack test result showed PM to be 0.361 lbs/hr.

27. On December 14, 2006, DNR issued a Notice of Violation letter to Roquette for failing to demonstrate compliance with the PM emission limit in the construction permit for EP 19-1. The Notice of Violation letter required Roquette to submit a compliance plan for EP 19-1 by January 12, 2007. The test was rescheduled for July 19, 2007.

28. On July 19, 2007, Roquette conducted the stack tests for EP 19-1 as required by the construction permit. Roquette submitted the stack test results on August 31, 2007. The stack test results indicated Roquette failed to conduct the stack tests at maximum rated capacity.

29. On November 5, 2007, DNR issued a Notice of Violation letter to Roquette for failing to test EP 19-1 at its maximum rated capacity. On December 12, 2007, DNR received a permit modification request from Roquette requesting new operating limits for EP

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19-1. The DNR was unable to issue the modified permit as requested and on January 8, 2008, DNR sent a letter to Roquette requesting further information. Roquette submitted the requested information on March 7, 2008. On March 26, 2008, DNR issued Air Quality Construction Permit #02-A-158-S1 for EP 19-1.

Boilers 9, 10 & 12

30. DNR issued Air Quality Construction Permit #77-A-332 for Boiler 9 and Air Quality Construction Permit #77-A-106 for Boiler 10 in 1977. EPA issued a PSD Construction Permit for Boiler 12. The EPA permit was issued for NO_x and CO. On January 23, 1985, Iowa DNR issued a state permit for Boiler 12 for other pollutants. A PM limit was included in the state permit to avoid being major for PSD.

31. Between April 2000 and August 2002, Roquette changed the type of fuel the boilers were using without first obtaining construction permit modifications. As a result of those violations, as well as several other air quality violations, Administrative Consent Order No. 2003-AQ-04 was entered into by the DNR and Roquette on January 31, 2003. As part of the Administrative Consent Order, Roquette agreed to submit complete PSD air quality construction permit applications for the boilers for the pollutant SO₂ and for any other affected pollutants. Roquette submitted the applications to the DNR for the boilers and later withdrew the permit applications. Roquette decided to install a new boiler to replace Boilers 9, 10, and 12. The application for the new boiler (EP 121) was submitted to the DNR on December 20, 2005.

32. On August 16, 2006, Air Quality Construction Permit #06-A-518-P was issued for EP 121. The construction permit required Roquette to conduct stack tests on Boilers 9, 10, and 12 to verify the netting information. The stack tests were to be conducted within 6 months of the issuance of the construction permit.

33. On March 27 – 29, 2007, Roquette conducted the required stack tests for Boilers 9, 10, and 12. The stack test results were submitted May 11, 2007. The results indicated the boilers failed to demonstrate compliance with the permitted PM emission limits. DNR asserts the results from Boiler 12 also indicate the boiler should have gone through PSD for PM. The results were as follows:

Emission Unit	Stack Test Result	Permitted Limit
Boiler 9	1.423 lb/MMBtu	0.383 lb/MMBtu
Boiler 10	0.789 lb/MMBtu	0.383 lb/MMBtu
Boiler 12	0.17 lb/MMBtu	0.02 lb/MMBtu

34. On May 23, 2007, DNR issued a Notice of Violation letter to Roquette for the failed stack tests. Prior to the issuance of the letter, Roquette submitted an email on May 16, 2007 detailing what it intended to do to bring Boiler 9 and Boiler 10 into

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compliance. The e-mail did not mention a compliance plan for Boiler 12. On May 18, 2007, Roquette sent a follow up e-mail to DNR. Roquette stated that Boiler 9 was shut down on May 17, 2007 and that Roquette did not intend to restart Boiler 9 until the cause of the high PM emissions could be determined and repaired. Boiler 10 was shut down on May 17, 2007 and inspected. The inspection did not uncover any required repair to the control equipment; however repair to the boiler was necessary. The repair was completed and Boiler 10 was restarted.

35. Boilers 10 and 12 were retested on August 7-8, 2007, for the pollutants PM and NO_x. Boiler 9 was never restarted following its shut down on May 17, 2007.

36. On February 1, 2008, DNR Field Office 6 confirmed that Boilers 9, 10 and 12 had been shut down and permanently disabled.

IV. CONCLUSIONS OF LAW

1. 567 IAC 22.3(1) provides that in no case shall a construction permit or conditional permit which results in an increase in emissions be issued to a facility which is in violation of any condition found in a permit involving PSD, NSPS, NESILAP or a provision of the Iowa state implementation plan. If the facility is in compliance with a schedule for correcting the violation and the schedule is contained in an order or permit condition, the DNR may consider issuance of a construction permit or conditional permit. Roquette has submitted construction permit applications for equipment that would increase emissions. The sole purpose of this administrative consent order is to create a compliance schedule for correcting the specific alleged violations cited herein so DNR may, according to the provision of 567 IAC 22.3(1), consider the issuance of construction permits to Roquette.

2. 567 IAC 22.3(3) provides that a construction permit may be issued subject to conditions which shall be specified in writing, and that such conditions may include compliance testing requirements. The construction permits for EP 59-3, EP 59-4, EP 19-1, Boiler 9, Boiler 10, and Boiler 12 established emission limits. DNR alleges Roquette has failed to demonstrate compliance with the emission limits of the construction permits. Since June 2006, Roquette has conducted six sets of stack tests on EP 59-3 and EP 59-4, one set of stack tests on EP 19-1, one set of stack tests on Boiler 9 and two sets of stack tests on Boilers 10 and 12 that failed to demonstrate compliance with construction permit emission limits. On May 17, 2007, Roquette shut down Boiler 9. On January 31, 2008, Boilers 10 and 12 were shut down and Boilers 9, 10 and 12 were permanently disabled in accordance with the terms of Iowa Consent Order, Judgment and Decree No. EQ4303(s) dated November 21, 2005.

3. 567 IAC 22.3(3) provides that a construction permit may be issued subject to conditions which shall be specified in writing, and that such conditions may include compliance testing requirements. Condition 12 of construction permits specified when the initial testing should occur. Conditions 12 of each of the three construction permits states

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"The owner shall verify compliance with the emission limitations contained in Permit Condition 10 within sixty (60) days after achieving maximum production rate and no later than one hundred eighty (180) days after the initial startup date of the proposed equipment." The initial stack tests for EP 59-3 and EP 59-4 were to have taken place by February 10, 2005. The initial stack tests for EP 59-3 and EP 59-4 took place on June 14-15, 2006. The initial stack tests for EP 19-1 were to have taken place by September 5, 2005. The initial stack tests for EP 19-1 took place on September 20, 2006.

4. 567 IAC section 25.1(7) "a" requires the results of the [stack] tests shall be submitted in writing to the director in the form of a comprehensive report within six weeks of the completion of the testing. The stack test results for the stack tests conducted on June 14-15, 2006 for EP 59-3 and EP 59-4 were not submitted within the required six weeks. The stack test results for the stack tests conducted on September 21, 2006 for EP 59-3 and 59-4 were not submitted within the required six weeks. The stack test results for the stack tests conducted on September 20, 2006 for EP 19-1 were not submitted within the required six weeks.

5. Pursuant to Iowa Code Section 455B.133, the provisions of the Prevention of Significant Deterioration (PSD) of Air Quality program have been adopted by reference by DNR at 567 IAC 22.4¹⁵. According to the provisions of 40 Code of Federal Regulations (CFR) 52.21(i)(1), existing major stationary sources are required to obtain PSD permits prior to initiating major modifications. 40 CFR 52.2(b)(1)(i) defines a "major stationary source," for purposes of the PSD permitting program, as any stationary source of air contaminants that emits, or has the potential to emit, 250 tons per year or more of any regulated pollutant. Roquette's facility in Keokuk has the potential to emit over 250 tons per year of PM, PM₁₀, SO₂, NO_x, and CO. Therefore, this facility is a major stationary source. A major modification is defined at 40 CFR 52.21(b)(2)(i) as "any physical change in or change in method of operations of a major stationary source which would result in any significant net emissions increase of any pollutant subject to regulation under the [Clean Air] Act." 40 CFR 52.21(b)(23)(i) defines significant net emissions increase as a rate of emissions that would be equal to or exceed any of the following rates: PM – 25 tons per year (tpy), PM₁₀ – 15 tpy, SO₂ – 40 tpy, NO_x – 40 tpy, VOC – 40 tpy, and CO – 100 tpy. DNR alleges that stack tests for EP 59-3 and EP 59-4 conducted in June 2006 showed an increase in PM, PM₁₀, and VOC emissions greater than the PSD major modification thresholds. DNR alleges that the emissions data from the stack tests indicate Roquette should have applied for PSD permits for EP 59-3 and EP 59-4 when the modifications were submitted in November 2002. Additionally, DNR alleges that the emissions data from the stack tests on Boiler 12 indicates the boiler should have gone through PSD for PM.

V. ORDER

THEREFORE, the DNR and Roquette agree to the following:

¹⁵ DNR's PSD rules are currently contained in 567 IAC 33 and went into effect on November 1, 2006. At the time Roquette triggered PSD 567 IAC 22.4 and 40 CFR 52.2 were in effect and therefore are the rules cited in this administrative consent order.

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1. Within 45 days of the date the Director signs this administrative consent order, Roquette shall submit to DNR a draft PSD permit application for EP 59-3;
2. Within 45 days of the date the Directors signs this administrative consent order, Roquette shall submit to DNR a draft PSD permit application for EP 59-4;
3. Within 21 days of the submittal of the draft PSD permit application for EP 59-3, a meeting between the DNR and Roquette shall take place regarding the application;
4. Within 21 days of the submittal of the draft PSD permit application for EP 59-4, a meeting between the DNR and Roquette shall take place regarding the application;
5. Within 45 days after the meeting referred to in Paragraph 3, Roquette shall submit to DNR a complete PSD permit application for EP 59-3 for the pollutants CO, VOC, PM, and PM₁₀ and for any other affected pollutant. The application shall include for all pollutants for which there is a net significant emission increase: (1) a complete BACT analysis evaluating all available controls; (2) modeling as required by 40 CFR 52.21; (3) soils and vegetation analysis; and (4) all other analysis required by 40 CFR 52.21. The application also shall include calculations for all other pollutants and all forms for a complete air quality construction permit application. All calculations for all pollutants shall be based on pre-change and post-change stack tests, if available. In no case shall a stack test be prorated for another period (for example a post-change test cannot be used to determine pre-change emissions or vice versa). If stack test data is not available then a DNR approved emission factor shall be used. The permit application shall contain a detailed analysis of whether the modifications to EP 59-3 resulted in a significant net increase in the emissions of each regulated pollutant. Roquette shall submit a written response within 60 days to each DNR request for further information during the permit application review;
6. Within 45 days after the meeting referred to in Paragraph 4, Roquette shall submit to DNR a complete PSD permit application for EP 59-4 for the pollutants CO, VOC, PM, and PM₁₀ and for any other affected pollutant. The application shall include for all pollutants for which there is a net significant emission increase: (1) a complete BACT analysis evaluating all available controls; (2) modeling as required by 40 CFR 52.21; (3) soils and vegetation analysis; and (4) all other analysis required by 40 CFR 52.21. The application also shall include calculations for all other pollutants and all forms for a complete air quality construction permit application. All calculations for all

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pollutants shall be based on pre-change and post-change stack tests, if available. In no case shall a stack test be prorated for another period (for example a post-change test cannot be used to determine pre-change emissions or vice versa). If stack test data is not available then a DNR approved emission factor shall be used. The permit application shall contain a detailed analysis of whether the modifications to EP 59-4 resulted in a significant net increase in the emissions of each regulated pollutant. Roquette shall submit a written response within 60 days to each DNR request for further information during the permit application review;

7. The construction permit applications for Project No. 06-253 now pending with the DNR shall be reviewed and if approved by the DNR, the construction permits shall be issued within 30 days of the DNR receiving complete and acceptable information from Roquette and/or its consultant;
8. If it is determined PSD permits are not necessary for EP 59-3 and EP 59-4, Roquette shall submit permit modifications to the DNR within 30 days of the determination;
9. Within 30 days of the date the Director signs this administrative consent order, Roquette shall submit to DNR a written compliance plan detailing how Roquette will comply with the construction permit requirements for EP 19-1; and
10. Within 30 days of the date the Director signs this administrative consent order, Roquette shall submit to DNR a written compliance plan detailing how Roquette will minimize emissions from EP 59-3 and EP 59-4 until controls are installed.

VI. RESERVATION OF RIGHTS

This administrative consent order is entered into for the sole purpose of creating a compliance schedule for correcting the specific alleged violations cited herein so that DNR may, according to the provisions of 567 IAC 22.3(1), consider the issuance of construction permits to Roquette. DNR reserves the right to bring enforcement action to assess monetary penalties for the alleged violations addressed in this administrative consent order or to pursue referral to the Attorney General, to obtain injunctive relief and penalties or fines, pursuant to Iowa Code section 455B.146 or 455B.146A. Additionally, DNR reserves the right to bring enforcement action or to pursue referral to the Attorney General, to obtain injunctive relief and penalties or fines, pursuant to Iowa Code section 455B.146 or 455B.146A, for alleged violations not addressed in this administrative consent order which may have occurred at the Roquette facility in Keokuk, Iowa. Nothing in this administrative consent order restricts or limits the administrative or judicial enforcement remedies available to the DNR or the State of Iowa for the violations referred to in this administrative consent order or any other violations which may have occurred at the Roquette facility in Keokuk, Iowa. Nothing in

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this administrative consent order restricts or limits Roquette's right to submit materials for consideration by the DNR, to contend that requirements are not applicable, to present discussion or arguments that the permit requirements are not applicable, to present discussions or arguments as part of the permit or deliberative process or requirements, or to appeal, in accordance with Iowa law, permit provisions.

VII. WAIVER OF APPEAL RIGHTS

This administrative consent order is entered into knowingly by and with the consent of Roquette. For that reason, Roquette waives the right to appeal this administrative consent order pursuant to the provisions of Iowa Code section 455B.138.

VIII. NONCOMPLIANCE

Failure to comply with this administrative consent order may result in the imposition of further administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146.

IX. AMENDMENTS

This administrative consent order may be amended from time to time as necessary to accommodate changed circumstances. The signatures of authorized representatives from both the DNR and Roquette approving of any amendments are required before the amendments may be deemed effective.

Roquette asserts that it is contemplating the replacement of the existing feed dryers with EP 59-3 and EP 59-4. Internal studies on the replacement of the feed dryers are presently underway. In the event that a decision is reached to proceed with the replacement of the existing dryers with new dryers the DNR and Roquette agree to meet for the purpose of discussing a possible amendment to this consent order. The meeting shall occur within 30 days of the date Roquette submits to the DNR the written document regarding its intent to commit to replace the feed dryers.



RICHARD A. LEOPOLD
Iowa Department of Natural Resources

Dated this 10 day of
June, 2008.



ROQUETTE AMERICA, INC.

Dated this 9 day of
June, 2008.

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